IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO: 2602 of 2005

Between:

M/s. Rallis India Limited, Door No.1-7-241/11/B, S.D. Road, Secunderabad, rep. by its Authorised Signatory Mr. P.D. Paul, Chief Manager.

.... PETITIONER

AND

1 Commercial Tax Officer, Saroornagar Circle, Ranga Reddy

District.
2 Additional Commissioner, Commercial Taxes, Nampally,

Hyderabad.
3 Appellate Deputy Commissioner (Rural Division), Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondent in issuing impugned demand notice in G.I.No.2004-2005, dt. 08-02-2005 demanding the petitioner to pay a sum of Rs.3,49,66,995.00 for the assessment years 1996-1997, 1997-1998, 1998-1999 and 1999-2000 under APGST and CST Acts pending disposal of the stay petitions before the 2nd respondent as illegal, arbitrary, contrary to the provisions of the Act and consequently set-aside the same and declare that

the 1st respondent cannot recover the disputed taxes pending disposal of the Stay petitions before the 2nd respondent and pass such other order or orders as Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.BHASKAR REDDY VEMIREDDY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court at the stage of admission, made the following:

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ORDER: *(**Per Hon'ble Sri Justice M.H.S.Ansari**)*

Keeping in view the nature of grievance in the instant matter, we are inclined to dispose of the instant writ petition at this stage, with similar directions as in W.P.No.18452, 18528 and 18531 of 2004, dated 11.10.2004 (***M/s. Priyadarshini Cement Limited, Ramapuram, Nalgonda District Vs. The Assistant Commissioner (CT), LTU, Nalgonda Division, Nalgonda and others***).

2. The grievance of the petitioner appears to be that neither the appeal pending before the first respondent is being disposed of nor the revision petitions filed by the petitioner against rejection of stay applications pending before the second respondent have been taken up for consideration. Meanwhile, Department is

proceeding to take coercive measures for collection of disputed tax.

3. Considering the fact that revision petitions are pending before the second respondent, we direct that the said revision petitions shall be taken up expeditiously by the second respondent and shall be disposed of, as expeditiously as possible. Until disposal of the said revision petitions by the second respondent, there shall be stay of recovery of disputed tax by coercive measures, against the petitioner.

4. The writ petition is accordingly disposed of. No order as to costs.

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M.H.S.ANSARI, J

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T.CH.SURYA RAO, J

Dated: 16.02.2005

Note: Issue C.C on priority basis

(B/o)

RAR

To

1 Commercial Tax Officer, Saroornagar Circle, Ranga Reddy

District.
2 Additional Commissioner, Commercial Taxes, Nampally,

Hyderabad.
3 Appellate Deputy Commissioner (Rural Division), Hyderabad.

4 2 CCs to G.P for Commercial Taxes, High Court Buildings,

Hyderabad (OUT)

5 2 CD copies.

THE HON'BLE SRI JUSTICE M.H.S.ANSARI

AND

THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

WRIT PETITION NO. 2602 OF 2005

(Order of the Bench delivered by

Hon'ble Sri Justice M.H.S.Ansari)

DATED: 16.02.2005